

## **REMARKS**

Claims 165-326, 328-330, 333-335, 338-340, 343-345, 348-350, 353-355, 358-360, 363-365, and 368-370 are pending in the instant application. Claims 171-182, 225-236, 279-290, 328-330, 333-335, 338-340, 343-345, 348-350, 353-355, 358-360, 363-365, and 368-370 are withdrawn. Claims 327, 331-332, 336-337, 341-342, 346-347, 351-352, 356-357, 361-362, 366-367, and 371 are cancelled. Several of the claims, including independent claim 209, stand rejected under 35 USC § 101 as being directed to non-patentable subject matter. Several of the claims, including independent claims 165, 209, 219, 263, 273, and 317, stand rejected under 35 USC § 112, second paragraph, as being indefinite.

### ***Telephonic Examiner Interview***

On December 21, 2011, with follow up discussions through December 28, 2011, Examiner Kenneth Bartley and the undersigned conducted a telephonic interview. The parties agreed that the Office would allow the pending claims in view of the present amendments. Applicant thanks the Examiner for the interview.

### ***Claim Objections***

The Applicant has amended **claims 218, 272 and 326** to remove underlining from symbols that had previously been amended, to clarify those amendments.

### ***Claim Rejections – 35 USC § 101***

**Claims 209-218** stand rejected under 35 USC § 101 because the Office states that the claimed invention is directed to non-statutory subject matter. Official Action, at 9. Specifically, the Office states

“In the case of claim 209 of the instant application, steps (1), (5), (6), and (9) of are treated as insignificant in 101 analysis since these steps are receiving, inputting, and storing a result even if such process is carried out via a machine. On the other hand steps (2)-(4), (7) and (8) of claim 209 may be performed by a

human mind yielding subjective and unpredictable result and therefore directed to an abstract idea.

Dependent claims 210-218 do not resolve the deficiency of independent claim 209 and accordingly stand rejected under 35 USC 101 based on the same rationale.”

Official Action, at 10-11. Applicant amends claim 209 to recite that the elements are performed by “one or more computers” and submit that the broadest reasonable interpretation of the amended claim is statutory subject matter. Applicants request that the Office reconsider the rejection of claim 209, and dependent claims 210-218.

***Claim Rejections – 35 USC § 112***

**Claims 165-170, 183-224, 237-278 and 291-326** stand rejected as being rejected under 35 USC § 112, second paragraph, because the Office states that they are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended these claims in various ways as discussed and agreed to in the examiner interview. Applicant submits that these amendments overcome the present rejections, and request that the Office reconsider the rejections.

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**PATENT**

### **CONCLUSION**

In the view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicant's representative.

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/Peter Trahms-Neudorfer/  
Peter Trahms-Neudorfer  
Registration No. 59,282

Woodcock Washburn LLP  
Cira Centre  
2929 Arch Street, 12th Floor  
Philadelphia, PA 19104-2891  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439